




European Migration Network

Ad-Hoc Query on third-country researchers

Requested by DE EMN NCP on 13th July 2010

Compilation produced on: 11 October 2010

Responses from Austria, Bulgaria, Czech Republic, Estonia, Finland, Germany, Latvia, Netherlands, Slovak Republic, Spain, Sweden, United Kingdom (12 in Total)

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1. Background Information

As part within the research on migration to Germany we are interested in a certain evaluation of the directive 2005/71/EC. For this purpose we would like you to answer the following questions preferably before 30th of July.

2. Responses¹

		Wider Dissemination? ²	How many researchers from third-state countries are currently under the directive 2005/71/EC in your country? Are some of them
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination

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			<i>under Article 13 of the directive (Mobility between Member States) in your country?</i>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Bulgaria	Yes	There are no researchers from third-state countries under the directive 2005/71/EC in our country up to now.
	Czech Republic	Yes	174. Data for Article 13 not available.
	Estonia	Yes	As of 1st of July 2010 there were 33 valid residence permits issued for research under Aliens Act by which directive 2005/71/EC was transposed into Estonian legislation. There is no information on cases under Article 13 of the directive.
	Finland	Yes	Statistics Finland produces the vast majority of Finnish official statistics. It does not produce statistics on researchers from third-countries under the directive 2005/71/EC. The data collection is conducted under ISCO-88 standard for occupations (heading 2: researchers).
	Germany	Yes	Currently 302 researchers are with a residence permit under the directive 2005/71/EC in Germany. 19% of them entered Germany 2010. In addition to that 3 researches are under Article 13 of the directive 2005/71/EC in Germany – all entered Germany before 2010. Reporting date is 31 st May 2010.
	Latvia	Yes	1 st January 2010 there resided only 2 researchers in Latvia. Data on issued permits in 2010 have not been examined yet.
	Netherlands	Yes	A residence permit that is granted under the directive 2005/71/EC can be issued for a maximum period of five years, and will be issued for the duration of the host agreement between the researcher and the research institution. It is not possible to give information how many researchers are in the Netherlands under the directive 2005/71/EC at this moment. But under the directive 2005/71/EC in 2008 there are 280 residence permits granted, in 2009 1390 and in 2010 until 1 st of august a total of 8604 residence permits are granted. The Netherlands do not register how many researchers are granted a residence permit under Article 13 of the directive 2005/71/EC.
	Slovak Republic	Yes	At present there are granted 4 temporary residence permits for special activities – in this case for scientific research. The number of researchers from third-state countries can be possibly higher, because the researchers, who intend to stay up to 90 days, do not need any residence permit. The temporary residence permit for special activities is granted for the period of time up to 2 years.
	Spain	Yes	First of all, it is worth highlighting the fact that the transposing of the “Researcher Directive” to Spanish law has been inevitably influenced by a variety of factors, amongst which stand out the required amendment of <i>Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration</i> (henceforth, Organic Law 4/2000), which given its nature as legal regulations at the level of Organic Law, amongst other reasons, requires the greatest possible degree of consensus and agreement. Likewise, in response to question 3 , in December 2009 the fourth amendment of Organic Law 4/2000 was approved, through which those matters considered the “ core nucleus ” of legislation on researchers from third-state countries was transposed, basically contained in articles 25-bis.g) (creation of the research visa), 38-bis (legal status), and 44 to 46 (general regulations on visa fees) of the mentioned

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			<p>Organic Law.</p> <p>Nevertheless, numerous issues related with the admission scheme of third-country researchers (such as, for example, accreditation of requirements, procedures for processing the temporary residence and work permit for research, researcher mobility, etc.) are subject to development within the Regulations of Organic Law 4/2000 which Spain is currently drafting for the purpose of adapting its contents to the new legal framework.</p> <p>Given all of the above, and in response to questions 1, 2, 5, 6, 7, 8, 9 and 10, it is not currently possible to provide data as regards the aforementioned researchers; neither is it possible to foresee which legislation related to the same will result of the approval of the Regulations of Organic Law 4/2000.</p> <p>Finally, in response to question 4, though the transposition of the Researcher Directive is currently underway, this does not imply that there were previously no channels through which third-country researchers could enter Spain for the purpose of carrying out research projects. To the contrary, two channels were available to this end:</p> <ul style="list-style-type: none"> • To enter as students for the purpose of carrying out research projects, as holders of permits of stay for studies. • To enter as remunerated researchers in a working relationship, as holders of a work and residence permit. <p>In this sense, the number of remunerated researchers: in 2008, 501 and in 2009; 390. These data are available in the Table from EUROSTAT: First permits issued for remunerated activities by reason, length of validity and citizenship - Annual data, which you can find in the following weblink: http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database.</p>
	Sweden	Yes	There are currently 632 researchers in Sweden with residence permit under the Directive 2005/71/EC.
	United Kingdom	Yes	The United Kingdom has opted out of this directive. Therefore no researchers are in the United Kingdom under the directive.
		Wider Dissemination?³	How many researchers from third-state countries, who are not any longer in your country, have been under the directive 2005/71/EC in your country?

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	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	33.
	Estonia	Yes	Data is not available.
	Germany	Yes	Data is currently not available.
	Latvia	Yes	Data is currently not available.
	Netherlands	Yes	This is not registered.
	Slovak Republic	Yes	From 2005 to present, 38 temporary residence permits for special activities – in this case for scientific research were granted. From this number 34 permits have already expired.
	Sweden	Yes	No data available.
	United Kingdom	Yes	The United Kingdom has opted out of this directive. Therefore no researchers have been in the United Kingdom under the directive.

		Wider Dissemination?⁴	How was the directive 2005/71/EC implemented in your country?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	The Directive 2005/71/EC was transposed, in particular, into the Alien Act (No. 326/1999 Coll.), Act on public research institutions (No. 341/2005 Coll.), Act on recognition of professional qualification (No. 18/2004 Coll.), Act on social assistance (No. 117/1995 Coll.).
	Estonia	Yes	The directive 2005/71/EC was transposed into Estonian legislation by Aliens Act Amendment Act which entered into force 01.12.2007.
	Germany	Yes	The directive 2005/71/EC came into existence with the Directive Implementation Act from 28 th August 2007.
	Latvia	Yes	Amendments to Immigration Law.

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	Netherlands	Yes	Directive 2005/71 EC is implemented in the Aliens Act implementation guidelines 2000, chapter 18.
	Slovak Republic	Yes	The directive 2005/71/EC was transposed into the Act 233 Coll. on organization of the state support of research and development, from 22nd of May 2008 (§26 b) and also into the Act on Stay of Aliens 48/2002 Coll..
	Sweden	Yes	Some parts of the directive were introduced through a new law concerning "Approval for research organisations to host researchers" (SFS 2008:290) and the rest has been introduced in the Aliens Ordinance (SFS 2006:97).
	United Kingdom	Yes	The United Kingdom has opted out of this directive.

		Wider Dissemination?⁵	Do third-country nationals for the purposes of scientific research enter your country with other residence permit than the one under the directive 2005/71/EC?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	Information not available.
	Estonia	Yes	For the purposes of scientific research third country national have to enter Estonia with the residence permit under the directive 2005/71/EC. There is no other residence permit for the purposes of scientific research.
	Germany	Yes	In Germany is the possibility to get a residence permit under § 18 of the Residence Act. This came into effect 2005. It seems as if scientists also take a residence permit from § 18 of the Residence Act to come to Germany.
	Latvia	Yes	No, they are issued a residence permit according to Directive.
	Netherlands	Yes	This is not registered.
	Slovak Republic	Yes	We had some cases in which a foreigner was granted temporary residence permit for the purpose of employment after he presented the employment permit, but the matter of his employment was pursuance of research and pedagogical activities.
	Sweden	Yes	No, not as long as the purpose of scientific research is clearly outspoken in the application.
	United Kingdom	Yes	Yes. There are a number of routes under the UK's Points-Based System that are open to researchers: The most highly-skilled researchers can apply under Tier 1 of the system; researchers with a sponsoring UK organisation can apply under Tier 2 of the system; and there is also a Tier 5 route for sponsored researchers coming to the UK for short periods (up to two years).

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		Wider Dissemination? ⁶	Does the accepting of this law and the amount of scientists fulfil the expectations/necessity in your country?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	Information not available.
	Estonia	Yes	No information available.
	Germany	Yes	There are no evaluations yet.
	Latvia	Yes	No, it does not. There is very insignificant number of scientists applying for a residence permit.
	Netherlands	Yes	Since 2005 more third nationals are submitting an application for a residence permit as a scientific researcher. This might be caused by implementation of the Directive 2005/71 EC. But the last years the Dutch government also made more efforts to welcome new research organisations and foreign nationals and has therefore taken several measures/actions.
	Slovak Republic	Yes	NA
	Sweden	Yes	No information available.
	United Kingdom	Yes	The United Kingdom has opted out of this directive and manages the admission of third country scientists through its Points-Based System.

		Wider Dissemination? ⁷	Does your government purpose to liberise the law concerning third-country nationals for the purposes of scientific research?

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EMN Ad-Hoc Query: media use in language courses

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	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	No information available.
	Estonia	Yes	No information available.
	Germany	Yes	There are no purposes yet.
	Latvia	Yes	There have not been any discussions on this issue.
	Netherlands	Yes	Yes. On 1 January 2011 Modern Migration Policy will be effected presumably. With the implementation of Modern Migraton Policy it will be easier for research organisations to bring over foreign scientific researchers.
	Slovak Republic	Yes	The conditions for permit of stay with the purpose of research are more liberal in comparison with the conditions which have to be fulfilled in order to get other permits of stay (e.g. the researchers who intend to stay up to 90 days, do not need any residence permit, the deadline for the decision about granting the permit is shorter – 30 days, in other cases it is 90 days).
	Sweden	Yes	No information available..
	United Kingdom	Yes	There are no plans to do so.

		Wider Dissemination?⁸	Do you have information about the age, gender, origin country, place of work and the duration of the residence permit of the scientists?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	We do have all the information except for the duration of residence, but the place of work is not statistically covered.

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	Estonia	Yes	The division of researchers who have acquired residence permit for research in 2009 by citizenship is as follows: Total 15 India 4 China 2 Russia 2 Armenia 1 Bangladesh 1 Ukraine 1 Pakistan 1 Turkey 1 Korea, Republic of 1 USA 1 There is no information on other characteristics.
	Germany	Yes	More than 1/3 of the researchers are working in the south part of Germany (Bayern and Baden-Württemberg). The countries of origin are mainly China (16,6%), India (13,9%), USA (9,3%) and Russia (8,6%). Further information is not yet evaluated.
	Latvia	Yes	There are 2 researchers, citizens of Russian Federation, male, duration of permit – one year.
	Netherlands	Yes	What the Netherlands have noticed is that most of the scientific researchers are men. More than 60% of the scientific researchers are in the in age of 18-34. The countries of origin are mainly China, Iran, USA, India and Indonesia. Further information is not available.
	Slovak Republic	Yes	NA
	Sweden	Yes	The four dominating countries of origin are China (23%), India (12%), USA (11%) and Russia (6%).

		Wider Dissemination?⁹	Do you have a forecast concerning the future amount of scientists (from third-state countries) in your country?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	Information not available.

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	Estonia	Yes	No information available.
	Germany	Yes	This is part of the current research on migration.
	Latvia	Yes	No, we do not have a forecast but there is no ground to assume that number of researchers will grow rapidly.
	Netherlands	Yes	No. But with the Modern Migration Policy that presumably will be introduced on 1 January 2011 the procedure to get foreign scientific researchers to the Netherlands will be easier and faster.
	Slovak Republic	Yes	NA
	Sweden	Yes	No information available.
	United Kingdom	Yes	We do not have information on this as the UK does not have a specific migration category for scientists.

		Wider Dissemination? ¹⁰	How many research organisations are registered in your country? How is the amount of requests developing? How many of the research organisations are financed mainly by private means?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	There are 63 research organisations as of July 1, 2010. None of the organization is financed mainly by private means.
	Estonia	Yes	No information available.
	Germany	Yes	Currently 135 research organisations are registered. 124 are mainly financed by public means. The other 11 are all small and average research organisations. The number is evolving rising.
	Latvia	Yes	Currently 132 organisations are registered. In 2010 - 7 organisations have been registered. There are a lot of various educational institutions and research institutes that have public funding.
	Netherlands	Yes	At this time there are 111 research organisations registered. 36 of these organisations are financed by private means.
	Slovak Republic	Yes	Currently 1200 research and development organisations are registered.
	Sweden	Yes	Currently 135 research organisations are registered. 124 are mainly financed by public means. The other 11 are all small and average research organisations. The number is evolving rising.

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	United Kingdom	Yes	The UK does not record statistics on this.
		Wider Dissemination?¹¹	How is Article 6 para. 2 b of the directive 2005/71/EC implemented in your country? Are there some reference figures for the sufficient monthly resources to meet the expenses and return travel costs? What income need scientists to fulfil this requirement?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Czech Republic	Yes	The Act on public research institutions (No. 341/2005 Coll.) provides that an <i>agreement on visiting</i> may only be concluded with the third-country researcher if he/she has a monthly income sufficient to cover the costs of residence for the whole period of the agreement duration including the return travel costs, so that he/she is not dependent on the national system of social assistance. However, the Act does not define any concrete amount.
	Estonia	Yes	According to the Aliens Act a research and development institution must conclude a hosting agreement with a scientist after it has independently checked that the alien has a permanent legal income for subsistence in Estonia. Legal income for the purposes of scientific research is a rate pursuant to the Social Welfare Act twelve times rate of the minimum subsistence level within six months preceding the application in accordance with family size. The following forms of income are deemed legal: lawfully earned remuneration for work, income received from lawful business activities or property, pension, scholarships, alimony, parental benefit, state benefits paid by a foreign country, subsistence ensured by family members earning legal income.
	Germany	Yes	There is a reference figures for the calculation of the minimum monthly income for scientists under the directive 2005/71/EC. This reference figure is based on Article 18 SGB IV – one of the Social Security Codes in Germany – and is laid down yearly. The minimal monthly income must be 2/3 of this reference figure. Currently this is 1703,33 €.
	Latvia	Yes	In Latvia amount of sufficient financial resources for researchers corresponds to minimal salary in the country – appr. 250 EUR per month.
	Netherlands	Yes	The scientific researcher must have sufficient means of support. In accordance of the Aliens Decree 2000 this must be 70% of the minimum wage (as mentioned in the Minimum Wage and Minimum Holiday Allowance Act) and is laid down every half year. Currently this is €1070,50 net wage
	Slovak Republic	Yes	In the agreement between the research organisation and the perspective researcher, which is necessary in order to get the permit of stay, has to be stated that the research organisation is responsible for bearing the costs of the researchers stay. The research organisation and/or the researcher have to state that the perspective researcher has enough financial resources to cover his/hers lodging costs and cost for the return journey in the amount of the minimal monthly income which is 307,70 EUR.
	Sweden	Yes	The monthly resources must be at least SEK 8 700. The amount is established by the Swedish national Agency for Higher Education and

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			is based on legislation concerning national norms for social assistance.
	United Kingdom	Yes	The United Kingdom has opted out of this directive. However, sponsoring organisations under the Points-Based System are required to pay researchers an appropriate salary rate. Applicants must also pass a maintenance (available funds) test.
